

Title	Juvenile Law: Findings Required for Termination of Parental Rights (revise form JV-320)
Summary	Form JV-320 would be revised to conform to statutory requirements under Welfare and Institutions Code section 366.26 and to ensure compliance with the federal Adoption and Safe Families Act (42 U.S.C. § 670 et seq.)
Source	Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Susan Huguenor, Co-chairs
Staff	John Augustine Sweeney, 415-865-7732, john.sweeney@jud.ca.gov Aleta M. Beaupied, 415-865-7687, aleta.beaupied@jud.ca.gov
Discussion	<p>Currently, form JV-320 does not reflect the findings required by Welfare and Institutions Code section 366.26 regarding the following questions: (1) whether the court has considered the wishes of the child, and all findings and orders of the court have been made in the best interest of the child; (2) whether a child ten years old or older was properly notified of the right to be present; (3) whether a sufficient basis exists for terminating parental rights under Welfare and Institutions Code section 366.26(c)(1); (4) whether judicial notice has been taken of the prior findings, orders and judgments that form the basis for the termination of parental rights; (5) whether a compelling reason exists to show that termination of parental rights is not in the child's best interest under Welfare and Institutions Code section 366.26(c)(1)(D) and (E); and (6) whether the parties have been advised by the court of their appeal rights.</p> <p>In addition, form JV-320 does not currently reflect the language of the statute in that (1) the term "adoption assessment," used in form JV-320, does not appear in the statute or rules of court and (2) form JV-320 does not includes language referring the child to the California Department of Social Services or a licensed adoption agency for adoptive placement as is required in Welfare and Institutions Code section 326.26 (j) .</p> <p>The Adoption and Safe Families Act (ASFA) (42 U.S.C. § 670 et seq.) requires the court periodically to review the status of a dependent child and make findings and orders regarding the child's safety, well-being, and progress toward permanency. The inclusion of these findings and orders at the Welfare and Institutions Code section 366.26 review and implementation hearing will ensure compliance with the requirements</p>

of ASFA. The findings and orders address the question of (1) whether the child's placement is necessary and appropriate; (2) whether the agency has complied with the case plan by making reasonable efforts, including whatever efforts are necessary to finalize the permanent plan; (3) whether the case plan for a child 16 years or older includes services designed to aid the child in the transition from foster care to independent living; (4) the likely date by which a permanent plan of adoption will be finalized; and (5) the likely date by which the specific goal for a child with a permanent plan of a planned permanent living arrangement will be achieved.

Current form JV-320 uses the term "handicap" where "disability" would be more appropriate.

Form JV-320 would be revised to include all statutory findings and orders required under Welfare and Institutions Code section 366.26, rule 1463 of the California Rules of Court and the findings and orders mandated by the Adoption and Safe Families Act (42 U.S.C. § 670 et seq.).

The proposed revisions to JV-320 include:

- Item 2 has been revised to read "The court has read and considered the assessment prepared under Welfare and Institutions Code section 366.21(i) or 366.22(b)..."
- New item 3 has been added to read "The court has considered the wishes of the child, and all findings and orders of the court are made in the best interest of the child." Item 3 has been renumbered as item 4.
- New item 5 has been added to read "The child is ten years old or older, and the court has asked for the reason the child is not present and finds the child was properly notified of the right to be present" per Welfare and Institutions Code section 366.26(h)(2), added by Assembly Bill 408, effective January 1, 2004.
- New item 6 has been added to read "The court takes judicial notice of all prior findings, orders, and judgments in this proceeding."
- New item 7 has added to set forth the basis for the termination

of parental rights of the mother, father, and/or alleged father(s). Items 4 and 5 have been renumbered as items 8 and 9.

- Renumbered item 9 has been revised to include language referring the child to the California Department of Social Services or a local licensed adoption agency for adoptive placement. The revised item 9 also requires the identification of the likely date the adoption will be finalized. The proposed revision conforms the form to the requirements of the Adoption and Safe Families Act (42 U.S.C. § 671 et seq.) to move expeditiously toward finalization of permanency for a child.
- Item 6 has been renumbered as item 10, and item 10d has been revised to clarify that the exceptions exist to the finding that termination of parental rights would be detrimental to a child who is living with a relative or foster parent who is unwilling or unable to adopt because of “exceptional circumstances.”
- New item 10e has been added to include the finding that termination of parental rights would be detrimental to the child because “There would be substantial interference with a child's sibling relationship.” (See Welf. & Inst. Code, § 366.26(c)(1)(E).)
- Item 7 has been renumbered as item 11 and item 11b has been revised to replace “handicap” with “disability.”
- Items 8 and 9 have been renumbered as items 12 and 13.
- Item 10 has been renumbered as item 14 and revised to read that the child is placed “in a planned permanent living arrangement with _____ (provide name of placement), with a specific goal of _____ (return home, adoption, legal guardianship, permanent placement with a fit and willing relative, a less restrictive setting, or emancipation with identification of a long-term mentor).” The proposed revision conforms the language of the form to the requirements of the Adoption and Safe Families Act, 42 U.S.C. sections 671(a)(15) and (16) and 675(5).
- Renumbered item 14 has also been revised to include visitation orders to ensure that visitation orders are made as appropriate.

- New items 15, 16 and 17 have been added to ensure compliance with 42 U.S.C. sections 671(a)(15) & (16) and 675(5).
- Item 11 has been renumbered as item 18.
- Item 12 has been renumbered as item 19.
- Item 13 has been renumbered as item 20.
- Item 14 has been renumbered as item 21 and item 21a revised to clarify that type of hearing scheduled
- New item 22 has been added to indicate which parties have been informed by the court of the right to appeal under rule 1435 of the California Rules of Court.
- All were copyedited and any required grammatical changes were made.

The proposed revised form is attached at pages 5–7.

Welfare and Institutions Code section 366.26 is attached at pages 8–15.

Rule 1463 of the California Rules of Court is attached at pages 16–22.

The text of 42 U.S.C. section 671(a)(15) and (16) is attached at pages 23–24.

The text of 42 U.S.C. section 675 section (5) is attached at pages 25–27.

The current form is attached at pages 28–29.

Attachments

PETITIONER OR ATTORNEY (Name, State Bar number if attorney, and mailing address): <hr/> TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY <div style="font-size: 24pt; font-weight: bold;">DRAFT 13</div> <div style="font-size: 24pt; font-weight: bold;">11-18-03-mc</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
CHILD'S NAME:	
ORDERS UNDER WELFARE AND INSTITUTIONS CODE SECTION 366.26	

Child's name: _____ Age: _____
 Date of birth: _____
 Mother's name (if known): _____
 Father's name (if known): _____

1. a. Date of hearing: _____ Dept.: _____ Room: _____
 b. Judicial officer: _____
 c. Parties and attorneys present: _____

2. ☐ The court has read and considered the assessment prepared under Welfare and Institutions Code section 366.21(i) or 366.22(b) and the report and recommendation of the
☐ social worker ☐ probation officer ☐ and other evidence.
3. ☐ The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interests of the child.

THE COURT FINDS AND ORDERS

4. ☐ Notice has been given as required by law.
5. ☐ The child is ten years or older and the court has asked for the reason the child is not present and finds the child was properly notified of the right to be present.
6. ☐ The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
7. ☐ The court previously made a finding that:
- ☐ a. Reunification services would not be provided under Welfare and Institutions Code section 361.5(b) or 361.5(e)(1) for the ☐ mother ☐ father ☐ alleged father(s)
 - ☐ b. The whereabouts of the parent have been unknown for six months under Welfare and Institutions Code section 366.21(e) ☐ mother ☐ father ☐ alleged father(s)
 - ☐ c. The parent has failed to visit or contact the child for six months under Welfare and Institutions Code section 366.21(e) ☐ mother ☐ father ☐ alleged father(s)
 - ☐ d. The parent has been convicted of a felony indicating parent unfitness under Welfare and Institutions Code § 366.21(e) ☐ mother ☐ father ☐ alleged father(s)
 - ☐ e. Return to the parent would be detrimental to the child and reunification services are terminated under Welfare and Institutions Code § 366.21 or 366.22 as to ☐ mother ☐ father ☐ alleged father(s)
8. ☐ By clear and convincing evidence, it is likely the child will be adopted. (If this box is checked, go to item 9, unless item 10 or 11 is applicable. If item 8 is not checked, go to item 13 or 14.) **[The fact that the child is not placed in a preadoptive home or with a person or family prepared to adopt the child is not a basis for concluding that the child is unlikely to be adopted.]**

CHILD'S NAME: _____	CASE NUMBER: _____
------------------------	-----------------------

9. ☐ The parental rights of
- ☐ mother (*name, if known*):
 - ☐ father (*name, if declared by court or presumed*):
 - ☐ alleged father(s) (*name[s]*):
 - ☐ unknown ☐ mother ☐ father
are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement. The adoption is likely to be finalized by ____/____/____. (*If this box is checked, go to items 15, 16, 17 and 18.*)
10. ☐ Termination of parental rights would be detrimental to the child because (*If this box is checked, check reason(s) below and go to item 13 or 14*):
- ☐ The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
 - ☐ The child is 12 years or older and objects to termination of parental rights.
 - ☐ The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
 - ☐ The child is living with a relative or foster parent who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent home. Removal of the child from the physical custody of the relative or foster parent would be detrimental to the emotional well-being of the child. The child is not living with a nonrelative and
 - is under the age of six; or
 - is the member of a sibling group with at least one child under the age of six and the siblings are or should be placed together.
 - ☐ There would be substantial interference with a child's sibling relationship.
11. ☐ Termination of parental rights would not be detrimental to the child, but no adoptive parent has been identified or is available, and the child is difficult to place because the child (*If this box is checked, check reason(s) below and go to item 12*):
- ☐ is a member of a sibling group that should stay together.
 - ☐ has a diagnosed medical, physical, or mental disability.
 - ☐ is seven years or older.
12. ☐ Adoption is the permanent placement goal. Efforts are to be made to locate an appropriate adoptive family, and a report to the court is due by (*date, not to exceed 180 days from the date of this order*): _____
- ☐ Termination of parental rights is not ordered at this time (*If this box is checked, go to items 15, 16, 17 and 18*).
13. ☐ (*Name*): _____ is appointed legal guardian of the child, and Letters of Guardianship shall issue. (*if this box is checked, check a, b or c as applicable*).
- ☐ Visitation between the child and
☐ mother ☐ father ☐ parents ☐ other (*name*): _____
 shall be: _____
 - ☐ Dependency is terminated (*If this box is checked, go to items 15, 16, and 17*). (*If this box is NOT checked, go to items 15, 16, 17, and 18.*)
 - ☐ The child is 14 or older and does not object to the guardianship.

The Juvenile Court retains jurisdiction of the guardianship under section 366.4.

CHILD'S NAME: _____	CASE NUMBER: _____
------------------------	-----------------------

14. ☐ The child is placed in a planned permanent living arrangement with _____, with a specific goal of _____
(name of placement)

(return home, adoption, legal guardianship, permanent placement with a fit and willing relative, a less restrictive setting or emancipation with identification of a long-term mentor). (If this box is checked, provide for visitation below, as appropriate and go to items 15, 16, 17, and 18.)

The child's specific goal is likely to be achieved by ____/____/____.

- ☐ Visitation between the child and

☐ mother ☐ father ☐ parents ☐ other (name): _____

shall be:

15. ☐ The child's placement is necessary and appropriate.
16. ☐ The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan.
17. ☐ The services set forth in the case plan include those needed to assist the child aged 16 or older in making the transition from foster care to independent living (this finding is required only for a child 16 years and older).
18. ☐ The child shall remain a dependent of the court. (if this box is checked, go to items 19 and 20, if applicable, and item 21 and 22.)
19. ☐ All prior orders not in conflict with this order shall remain in full force and effect.
20. ☐ Other (specify): _____

21. ☐ The next hearing is (date): _____ at (time): _____
- ☐ Continued hearing under section 366.26 for receipt of report on attempts to locate an adoptive family.
- ☐ Six-month postpermanency review.

22. The ☐ mother ☐ father ☐ minor ☐ other: _____ have been advised of their appeal rights (under Cal. Rules of Court, rule 1435).

Date: _____

(JUDICIAL OFFICER)

Welfare and Institution Code
Section 366.26

366.26. (a) This section applies to children who are adjudged dependent children of the juvenile court pursuant to subdivision (c) of Section 360. The procedures specified herein are the exclusive procedures for conducting these hearings; Part 2 (commencing with Section 3020) of Division 8 of the Family Code is not applicable to these proceedings. Section 8714.7 of the Family Code is applicable and available to all dependent children meeting the requirements of that section, if the postadoption contact agreement has been entered into voluntarily. For children who are adjudged dependent children of the juvenile court pursuant to subdivision (c) of Section 360, this section and Sections 8604, 8605, 8606, and 8700 of the Family Code and Chapter 5 (commencing with Section 7660) of Part 3 of Division 12 of the Family Code specify the exclusive procedures for permanently terminating parental rights with regard to, or establishing legal guardianship of, the child while the child is a dependent child of the juvenile court.

(b) At the hearing, that shall be held in juvenile court for all children who are dependents of the juvenile court, the court, in order to provide stable, permanent homes for these children, shall review the report as specified in Section 361.5, 366.21, or 366.22, shall indicate that the court has read and considered it, shall receive other evidence that the parties may present, and then shall make findings and orders in the following order of preference:

(1) Terminate the rights of the parent or parents and order that the child be placed for adoption and, upon the filing of a petition for adoption in the juvenile court, order that a hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted.

(2) On making a finding under paragraph (3) of subdivision (c), identify adoption as the permanent placement goal and order that efforts be made to locate an appropriate adoptive family for the child within a period not to exceed 180 days.

(3) Appoint a legal guardian for the child and order that letters of guardianship issue.

(4) Order that the child be placed in long-term foster care, subject to the periodic review of the juvenile court under Section 366.3.

In choosing among the above alternatives the court shall proceed pursuant to subdivision (c).

(c) (1) If the court determines, based on the assessment provided as ordered under subdivision (i) of Section 366.21 or subdivision (b) of Section 366.22, and any other relevant evidence, by a clear and convincing standard, that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption. The fact that the child is not yet placed in a

Welfare and Institution Code
Section 366.26

preadoptive home nor with a relative or foster family who is prepared to adopt the child, shall not constitute a basis for the court to conclude that it is not likely the child will be adopted. A finding under subdivision (b) or paragraph (1) of subdivision (e) of Section 361.5 that reunification services shall not be offered, under subdivision (e) of Section 366.21 that the whereabouts of a parent have been unknown for six months or that the parent has failed to visit or contact the child for six months or that the parent has been convicted of a felony indicating parental unfitness, or, under Section 366.21 or 366.22, that the court has continued to remove the child from the custody of the parent or guardian and has terminated reunification services, shall constitute a sufficient basis for termination of parental rights unless the court finds a compelling reason for determining that termination would be detrimental to the child due to one or more of the following circumstances:

(A) The parents or guardians have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.

(B) A child 12 years of age or older objects to termination of parental rights.

(C) The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the child a permanent family placement if the parents cannot resume custody when residential care is no longer needed.

(D) The child is living with a relative or foster parent who is unable or unwilling to adopt the child because of exceptional circumstances, that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment and the removal of the child from the physical custody of his or her relative or foster parent would be detrimental to the emotional well-being of the child. This subparagraph does not apply to any child who is living with a nonrelative and who is either (i) under six years of age or (ii) a member of a sibling group where at least one child is under six years of age and the siblings are, or should be, permanently placed together.

(E) There would be substantial interference with a child's sibling relationship, taking into consideration the nature and extent of the relationship, including, but not limited to, whether the child was raised with a sibling in the same home, whether the child shared significant common experiences or has existing close and strong bonds with a sibling, and whether ongoing contact is in the child's best interest, including the child's long-term emotional interest, as compared to the benefit of legal permanence through adoption.

If the court finds that termination of parental rights would be detrimental to the child pursuant to subparagraph (A), (B), (C), (D), or (E), it shall state its reasons in writing or on the record.

Welfare and Institution Code
Section 366.26

(2) The court shall not terminate parental rights if at each and every hearing at which the court was required to consider reasonable efforts or services, the court has found that reasonable efforts were not made or that reasonable services were not offered or provided.

(3) If the court finds that termination of parental rights would not be detrimental to the child pursuant to paragraph (1) and that the child has a probability for adoption but is difficult to place for adoption and there is no identified or available prospective adoptive parent, the court may identify adoption as the permanent placement goal and without terminating parental rights, order that efforts be made to locate an appropriate adoptive family for the child within a period not to exceed 180 days. During this 180-day period, the public agency responsible for seeking adoptive parents for each child shall, to the extent possible, ask each child who is 10 years of age or older to identify any individuals who are important to the child, to identify potential adoptive parents. The public agency may ask any child who is younger than 10 years of age to provide that information, as appropriate. During the 180-day period, the public agency shall, to the extent possible, contact other private and public adoption agencies regarding the availability of the child for adoption. During the 180-day period, the public agency shall conduct the search for adoptive parents in the same manner as prescribed for children in Sections 8708 and 8709 of the Family Code. At the expiration of this period, another hearing shall be held and the court shall proceed pursuant to paragraph (1), (3), or of subdivision (b). For purposes of this section, a child may only be found to be difficult to place for adoption if there is no identified or available prospective adoptive parent for the child because of the child's membership in a sibling group, or the presence of a diagnosed medical, physical, or mental handicap, or the child is the age of seven years or more.

(4) (A) If the court finds that adoption of the child or termination of parental rights is not in the best interest of the child, because one of the conditions in subparagraph (A), (B), (C), (D), or (E) of paragraph (1) or in paragraph (2) applies, the court shall either order that the present caretakers or other appropriate persons shall become legal guardians of the child or order that the child remain in long-term foster care. Legal guardianship shall be considered before long-term foster care, if it is in the best interests of the child and if a suitable guardian can be found. A child who is 10 years of age or older who is placed in a group home shall be asked to identify any individuals who are important to the child to identify potential guardians. The agency may ask any child who is younger than 10 years of age to provide that information, as appropriate.

(B) If the child is living with a relative or a foster parent who is willing and capable of providing a stable and permanent environment, but not willing to become a legal guardian, the child shall not be removed from the home if the court finds the removal would be seriously detrimental to the emotional well-

Welfare and Institution Code

Section 366.26

being of the child because the child has substantial psychological ties to the relative caretaker or foster parents. The court shall also make an order for visitation with the parents or guardians unless the court finds by a preponderance of the evidence that the visitation would be detrimental to the physical or emotional well-being of the child.

(5) If the court finds that the child should not be placed for adoption, that legal guardianship shall not be established, and that there are no suitable foster parents except exclusive-use homes available to provide the child with a stable and permanent environment, the court may order the care, custody, and control of the child transferred from the county welfare department to a licensed foster family agency. The court shall consider the written recommendation of the county welfare director regarding the suitability of the transfer. The transfer shall be subject to further court orders.

The licensed foster family agency shall place the child in a suitable licensed or exclusive-use home which has been certified by the agency as meeting licensing standards. The licensed foster family agency shall be responsible for supporting the child and for providing appropriate services to the child, including those services ordered by the court. Responsibility for the support of the child shall not, in and of itself, create liability on the part of the foster family agency to third persons injured by the child. Those children whose care, custody, and control are transferred to a foster family agency shall not be eligible for foster care maintenance payments or child welfare services, except for emergency response services pursuant to Section 16504.

(d) The proceeding for the appointment of a guardian for a child who is a dependent of the juvenile court shall be in the juvenile court. If the court finds pursuant to this section that legal guardianship is the appropriate permanent plan, it shall appoint the legal guardian and issue letters of guardianship. The assessment prepared pursuant to subdivision (g) of Section 361.5, subdivision (i) of Section 366.21, and subdivision (b) of Section 366.22 shall be read and considered by the court prior to the appointment, and this shall be reflected in the minutes of the court. The person preparing the assessment may be called and examined by any party to the proceeding.

(e) The proceeding for the adoption of a child who is a dependent of the juvenile court shall be in the juvenile court if the court finds pursuant to this section that adoption is the appropriate permanent plan and the petition for adoption is filed in the juvenile court. Upon the filing of a petition for adoption, the juvenile court shall order that an adoption hearing be set. The court shall

proceed with the adoption after the appellate rights of the natural parents have been exhausted. The full report required by Section 8715 of the Family Code

Welfare and Institution Code

Section 366.26

shall be read and considered by the court prior to the adoption and this shall be reflected in the minutes of the court. The person preparing the report may be called and examined by any party to the proceeding. It is the intent of the Legislature, pursuant to this subdivision, to give potential adoptive parents the option of filing in the juvenile court the petition for the adoption of a child who is a dependent of the juvenile court. Nothing in this section is intended to prevent the filing of a petition for adoption in any other court as permitted by law, instead of in the juvenile court.

(f) At the beginning of any proceeding pursuant to this section, if the child or the parents are not being represented by previously retained or appointed counsel, the court shall proceed as follows:

(1) The court shall consider whether the interests of the child require the appointment of counsel. If the court finds that the interests of the child do require this protection, the court shall appoint counsel to represent the child. If the court finds that the interests of the child require the representation of counsel, counsel shall be appointed whether or not the child is able to afford counsel. A child under 10 years of age may not be present in court unless the child or the child's counsel so requests or the court so orders.

(2) If a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent, unless this representation is knowingly and intelligently waived. The same counsel shall not be appointed to represent both the child and his or her parent. The public defender or private counsel may be appointed as counsel for the parent.

(3) Private counsel appointed under this section shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. The amount shall be paid by the real parties in interest, other than the child, in any proportions the court deems just. However, if the court finds that any of the real parties in interest are unable to afford counsel, the amount shall be paid out of the general fund of the county.

(g) The court may continue the proceeding for not to exceed 30 days as necessary to appoint counsel, and to enable counsel to become acquainted with the case.

(h) (1) At all proceedings under this section, the court shall consider the wishes of the child and shall act in the best interests of the child.

(2) If the child is 10 years of age or older and is not present at a hearing held pursuant to this section, the court shall determine whether the minor was properly notified of his or her right to attend the hearing and inquire as to the reason why the child is not present.

Welfare and Institution Code

Section 366.26

(3) (A) The testimony of the child may be taken in chambers and outside the presence of the child's parent or parents if the child's parent or parents are represented by counsel, the counsel is present, and any of the following circumstances exist:

(i) The court determines that testimony in chambers is necessary to ensure truthful testimony.

(ii) The child is likely to be intimidated by a formal courtroom setting.

(iii) The child is afraid to testify in front of his or her parent or parents.

(B) After testimony in chambers, the parent or parents of the child may elect to have the court reporter read back the testimony or have the testimony summarized by counsel for the parent or parents.

(C) The testimony of a child also may be taken in chambers and outside the presence of the guardian or guardians of a child under the circumstances specified in this subdivision.

(i) Any order of the court permanently terminating parental rights under this section shall be conclusive and binding upon the child, upon the parent or parents and upon all other persons who have been served with citation by publication or otherwise as provided in this chapter. After making the order, the court shall have no power to set aside, change, or modify it, but nothing in this section shall be construed to limit the right to appeal the order.

(j) If the court, by order or judgment declares the child free from the custody and control of both parents, or one parent if the other does not have custody and control, the court shall at the same time order the child referred to the State Department of Social Services or a licensed adoption agency for adoptive placement by the agency. However, no petition for adoption may be granted until the appellate rights of the natural parents have been exhausted. The State Department of Social Services or licensed adoption agency shall be responsible for the custody and supervision of the child and shall be entitled to the exclusive care and control of the child at all times until a petition for adoption is granted. With the consent of the agency, the court may appoint a guardian of the child, who shall serve until the child is adopted.

(k) Notwithstanding any other provision of law, the application of any person who, as a relative caretaker or foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the relative caretaker

Welfare and Institution Code

Section 366.26

or foster parent and removal from the relative caretaker or foster parent would be seriously detrimental to the child's emotional well-being.

As used in this subdivision, "preference" means that the application shall be processed and, if satisfactory, the family study shall be completed before the processing of the application of any other person for the adoptive placement of the child.

(l) (1) An order by the court that a hearing pursuant to this section be held is not appealable at any time unless all of the following applies:

(A) A petition for extraordinary writ review was filed in a timely manner.

(B) The petition substantively addressed the specific issues to be challenged and supported that challenge by an adequate record.

(C) The petition for extraordinary writ review was summarily denied or otherwise not decided on the merits.

(2) Failure to file a petition for extraordinary writ review within the period specified by rule, to substantively address the specific issues challenged, or to support that challenge by an adequate record shall preclude subsequent review by appeal of the findings and orders made pursuant to this section.

(3) The Judicial Council shall adopt rules of court, effective January 1, 1995, to ensure all of the following:

(A) A trial court, after issuance of an order directing a hearing pursuant to this section be held, shall advise all parties of the requirement of filing a petition for extraordinary writ review as set forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall be made orally to a party if they are present at the time of the making of the order or by first-class mail by the clerk of the court to the last known address of a party not present at the time of the making of the order.

(B) The prompt transmittal of the records from the trial court to the appellate court.

(C) That adequate time requirements for counsel and court personnel exist to implement the objective of this subdivision.

(D) That the parent or guardian, or their trial counsel or other counsel, is charged with the responsibility of filing a petition for extraordinary writ relief pursuant to this subdivision.

(4) The intent of this subdivision is to do both of the following:

Welfare and Institution Code

Section 366.26

(A) Make every reasonable attempt to achieve a substantive and meritorious review by the appellate court within the time specified in Sections 366.21 and 366.22 for holding a hearing pursuant to this section.

(B) Encourage the appellate court to determine all writ petitions filed pursuant to this subdivision on their merits.

(5) This subdivision shall only apply to cases in which an order to set a hearing pursuant to this section is issued on or after January 1, 1995.

(m) Except for subdivision (j), this section shall also apply to minors adjudged wards pursuant to Section 727.31.

Rule 1463. Selection of permanent plan (§ 366.26)

- (a) **[Application of rule]** This rule applies to children who have been declared dependents after January 1, 1989. For those dependents, only section 366.26 and Division 12, Part 3, Chapter 5 (commencing with section 7660) of the Family Code or Family Code sections 8604, 8605, 8606, and 8700 apply for terminating parental rights. Part 4 (commencing with section 7800) of Division 12 of the Family Code or former Civil Code section 232 does not apply. The court may not terminate the rights of only one parent under section 366.26 unless that parent is the only surviving parent, or the rights of the other parent have been terminated under former Civil Code section 224, 224m, 232, or 7017, or Division 12, Part 3, Chapter 5 (commencing with section 7660) or Part 4 (commencing with section 7800) of Division 12 of the Family Code, or Family Code section 8604, 8605, or 8606 or the other parent has relinquished custody of the child to the welfare department. Only section 366.26 applies for establishing legal guardianship.

(Subd (a) amended effective July 1, 2002; previously amended effective January 1, 1994.)

- (b) **[Notice of hearing (§ 366.23)]** Notice must be given to the child if 10 years or older, the mother, presumed and alleged fathers, any court-appointed child advocate, and counsel of record, on Judicial Council form *Notice of Hearing on Selection of a Permanent Plan—Juvenile* (JV-300).
- (1) *(Time for notification)* Notice by publication must be completed at least 30 days before the date of the hearing. All other notice must be completed at least 45 days before the date of the hearing.
- (2) *(Recommendation for termination of parental rights)* If petitioner recommends termination of parental rights and did not include the recommendation in the notice under subdivision (b)(1), all those entitled to notice must also be so notified by first-class mail at least 15 days before the hearing.
- (A) **[Form of notice to parent]** If the parent is present at the hearing at which the court schedules the hearing under section 366.26, the court must advise the parent of the time and place of the hearing, order the parent to appear, and direct that the parent receive notice by first-class mail at the

parent's usual place of residence or business. Otherwise, notice to the parent must be:

- (i) by personal service;
 - (ii) by delivery to a competent adult at the parent's usual place of residence or business, followed by notice to the parent by first-class mail at that address;
 - (iii) by certified mail, return receipt requested, if the parent's usual place of residence or business is outside the state;
 - (iv) by certified mail to the parent's counsel of record, return receipt requested, ordered by the court after a determination by the court, based on an affidavit prepared and filed by petitioner at the hearing at which the court schedules the hearing under 366.26 or thereafter, that there has been due diligence in attempting to locate and serve the parent; or
 - (v) by publication ordered by the court after a determination by the court, based on an affidavit prepared and filed by the petitioner at the hearing at which the court schedules the hearing under section 366.26, or at least 75 days before the hearing, that there has been due diligence in attempting to locate and serve the parent and that the parent has no counsel of record.
- (B) [Notice to the child] Notice to the child, 10 years or older, must be by first-class mail.
- (C) [Notice to counsel of record] Notice to counsel of record must be by first-class mail.
- (D) [Notice to grandparents] If the court orders notice by certified mail to the parent's counsel of record, or by publication, the court must order that notice by first-class mail be given to grandparents whose names and addresses are known.
- (E) [Notice to tribe] Notice to the tribe of an Indian child must be by first-class mail.

- (3) (*Recommendation for guardianship or long-term care*) If the recommendation is limited to legal guardianship or long-term foster care, notice may be served as described in subdivision (b)(2) of this rule, or by first-class mail to the parent's usual residence or place of business. If the court determines that there has been due diligence in attempting to locate and serve the parent, the court must order that notice by first-class mail be given to the grandparents whose names and addresses are known, and without further notice to the absent parent.
- (4) (*Parent located*) If the residence of a parent becomes known to the court or the petitioner, notice must be served immediately under subdivision (b)(2) of this rule.

(Subd (b) amended effective July 1, 2002; previously amended effective January 1, 1992, July 1, 1992, and July 1, 1995.)

- (c) **[Report]** Before the hearing, petitioner must prepare an assessment under section 366.21(i). At least 10 calendar days before the hearing the petitioner must file the assessment, provide copies to the parent or guardian and all counsel of record, and provide a summary of the recommendations to the present custodians of the child, to any court-appointed child advocate, and to the tribe of an Indian child.

(Subd (c) amended effective July 1, 2002; adopted effective January 1, 1992; previously amended effective July 1, 1995.)

- (d) **[Conduct of hearing]** At the hearing, the court must state on the record that the court has read and considered the report of petitioner, the report of any court-appointed child advocate, and other evidence, and must proceed as follows:

- (1) Order parental rights terminated and the child placed for adoption if the court determines, by clear and convincing evidence, that it is likely the child will be adopted, unless:
 - (A) At each and every hearing at which the court was required to consider reasonable efforts or services, the court has found that reasonable efforts were not made or that reasonable services were not offered or provided; or
 - (B) The court finds a compelling reason to determine that termination would be detrimental to the child because of the existence of one of the following circumstances:

- (i) The parents or guardians have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship; or
 - (ii) A child 12 years of age or older objects to termination of parental rights; or
 - (iii) The child is placed in a residential treatment facility and adoption is unlikely or undesirable while the child remains in that placement, and continuation of parental rights will not prevent the finding of an adoptive home if the parents cannot resume custody when residential care is no longer needed; or
 - (iv) The child is living with a relative or foster parent who is unable or unwilling to adopt the child because of exceptional circumstances, but who is willing and capable of providing the child with a stable and permanent home, and removal from the home of the relative or foster parent would be detrimental to the well-being of the child. This exception does not apply to (1) a child under six or (2) a child who has a sibling under six who is also a dependent and with whom the child should be placed permanently; or
 - (v) There would be a substantial interference with the child's relationship with a sibling, taking into consideration the nature and extent of the relationship. To make this determination, the court may consider whether the child was raised in the same home as the sibling, whether the child and the sibling shared common experiences or have close and strong bonds, and whether ongoing contact with the sibling is in the child's best interest. For purposes of this subdivision, determination of the child's best interest may include a comparison of the child's long-term emotional interest with the benefit of legal permanence in an adoptive home.
- (2) The court must not base a conclusion that the child is not likely to be adopted on the fact that the child is not yet placed in a

preadoptive home or with a relative or foster family willing to adopt the child.

- (3) The party claiming that termination of parental rights would be detrimental to the child must have the burden of proving the detriment.
- (4) If the court finds termination of parental rights to be detrimental to the child for reasons stated in paragraph (1)(B) of this subdivision, the court must state the reasons in writing or on the record.
- (5) If termination of parental rights would not be detrimental to the child, but the child is difficult to place for adoption because the child (i) is a member of a sibling group that should stay together or (ii) has a diagnosed medical, physical, or mental handicap or (iii) is seven years of age or older and no prospective adoptive parent is identified or available, the court may, without terminating parental rights, identify adoption as a permanent placement goal and order the public agency responsible for seeking adoptive parents to make efforts to locate an appropriate adoptive family for a period not to exceed 180 days. After that period the court must hold another hearing and proceed according to paragraph (1), (6), or (7) of this subdivision.
- (6) If the court finds that paragraph (1)(A) or (1)(B) of this subdivision applies, the court must appoint the present custodian or other appropriate person to become the child's legal guardian, or must order the child to remain in long-term foster care. Legal guardianship must be given preference over long-term foster care when it is in the interest of the child and a suitable guardian can be found. The child must not be removed from the home of a foster parent or relative who is not willing to become a legal guardian, but who is willing and capable of providing a stable and permanent home for the child, and with whom the child has substantial psychological ties, if the court finds the removal would be seriously detrimental to the emotional well-being of the child. The court must make an order for visitation with the parent or guardian unless the court finds by a preponderance of the evidence that the visitation would be detrimental to the child.
- (7) If no adult is available to become legal guardian, and no suitable foster home is available, the court may order the care, custody, and

control of the child transferred to a licensed foster family agency, subject to further orders of the court.

(Subd (d) amended effective July 1, 2002; repealed and adopted as subd (c) effective January 1, 1991; previously amended and relettered effective January 1, 1992; previously amended effective July 1, 1994, January 1, 1999, and July 1, 1999.)

(e) [Procedures—termination of parental rights]

- (1) The court may not terminate parental rights if a review of the prior findings and orders reveals that at each and every prior hearing at which the court was required to consider reasonable efforts or services the court found that reasonable efforts had not been made or that reasonable services had not been offered or provided. If at any prior hearing the court found that reasonable efforts had been made or that reasonable services had been offered or provided, the court may terminate parental rights.
- (2) An order of the court terminating parental rights under section 366.26 is conclusive and binding upon the child, the parent, and all other persons who have been served under the provisions of section 366.23. The order may not be set aside or modified by the court, except as provided in rules 1416, 1417, and 1418 with regard to orders by a referee.
- (3) If the court declares the child free from custody and control of the parents, the court must at the same time order the child referred to a licensed county adoption agency for adoptive placement. A petition for adoption of the child may be filed and heard in the juvenile court, but may not be heard until the appellate rights of the natural parents have been exhausted.

(Subd (e) amended effective July 1, 2002; adopted as subd (d) effective January 1, 1991; relettered effective January 1, 1992; previously amended effective July 1, 1992, and January 1, 1995.)

(f) [Procedures—legal guardianship] The proceedings for appointment of a legal guardian for a dependent child of the juvenile court must be in the juvenile court as provided in rule 1465.

(Subd (f) amended effective July 1, 2002; repealed and adopted as subd (e) effective January 1, 1991; relettered effective January 1, 1992; previously amended effective July 1, 1997.)

- (g) **[Purpose of termination of parental rights]** The purpose of termination of parental rights is to free the dependent child for adoption. Therefore, the court must not terminate the rights of only one parent unless that parent is the only surviving parent, or the rights of the other parent have been terminated by a California court of competent jurisdiction or by a court of competent jurisdiction of another state under the statutes of that state, or the other parent has relinquished custody of the child to the county welfare department. The rights of the mother, any presumed father, any alleged father, and any unknown father or fathers must be terminated in order to free the child for adoption.

(Subd (g) amended effective July 1, 2002; adopted effective July 1, 1997.)

- (h) **[Advice of appeal rights]** The court must advise all parties of their appeal rights as provided in rule 1435.

(Subd (h) amended effective July 1, 2002; repealed and adopted as subd (f) effective January 1, 1991; previously relettered as subd (g) effective January 1, 1992; relettered effective July 1, 1997.)

Rule 1463 amended effective July 1, 2002; repealed and adopted effective January 1, 1991; previously amended effective January 1, 1992, July 1, 1992, January 1, 1994, July 1, 1994, January 1, 1995, July 1, 1995, July 1, 1997, January 1, 1999, and July 1, 1999.

Former Rules

Former rule 1463, similar to the present rule, was adopted effective January 1, 1990, and repealed effective January 1, 1991.

Former rule 1463, similar to the present rule, was adopted effective July 1, 1989, and repealed effective January 1, 1990.

Drafter's Notes

1990—The council adopted rule 1459 and amended rule 1463 to clarify the procedure to be followed in proceedings to terminate parental rights, so that a child may be adopted.

1992—See notes following rule 1401.

2002—This amendment corrects minor errors in rules and forms resulting from changes in statutes and inadvertent omissions.

Adoption and Safe Families Act (ASFA)
(42 United States Code, section 671(a) and (16))

42 U.S.C. 671] (a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which--

(15) provides that--

(A) in determining reasonable efforts to be made with respect to a child, as described in this paragraph, and in making such reasonable efforts, the child's health and safety shall be the paramount concern;

(B) except as provided in subparagraph (D), reasonable efforts shall be made to preserve and reunify families--

(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and

(ii) to make it possible for a child to safely return to the child's home;

(C) if continuation of reasonable efforts of the type described in subparagraph (B) is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child;

(D) reasonable efforts of the type described in subparagraph (B) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that--

(i) the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);

(ii) the parent has--

(I) committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

(II) committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

(III) aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or

Adoption and Safe Families Act (ASFA)
(42 United States Code, section 671(a) and (16))

(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent; or

(iii) the parental rights of the parent to a sibling have been terminated involuntarily;

(E) if reasonable efforts of the type described in subparagraph (B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with subparagraph (D)--

(i) a permanency hearing (as described in section 675(5)(C)) shall be held for the child within 30 days after the determination; and

(ii) reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child; and

(F) reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described in subparagraph (B);

(16) provides for the development of a case plan (as defined in section 675(1)) for each child receiving foster care maintenance payments under the State plan and provides for a case review system which meets the requirements described in section 675(5)(B) with respect to each such child;

Adoption and Safe Families Act (ASFA)
(42 United States Code, section 675)

42 U.S.C. section 675 As used in this part [Part E] or part B of this title:

(5) The term "case review system" means a procedure for assuring that--

(A) each child has a case plan designed to achieve placement in a safe setting that is the least restrictive (most family like) and most appropriate setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child, which--

(i) if the child has been placed in a foster family home or child care institution a substantial distance from the home of the parents of the child, or in a State different from the State in which such home is located, sets forth the reasons why such placement is in the best interests of the child, and

(ii) if the child has been placed in foster care outside the State in which the home of the parents of the child is located, requires that, periodically, but not less frequently than every 12 months, a caseworker on the staff of the State agency of the State in which the home of the parents of the child is located, or of the State in which the child has been placed, visit such child in such home or institution and submit a report on such visit to the State agency of the State in which the home of the parents of the child is located,

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship,

(C) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of a permanency hearing to be held, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than 12 months after the date the child is considered to have entered foster care (as determined under subparagraph (F)) (and not less frequently than every 12 months thereafter during the continuation of foster care), which hearing shall determine the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will file a petition for termination of parental rights, or referred for legal guardianship, or (in cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another

Adoption and Safe Families Act (ASFA)
(42 United States Code, section 675)

planned permanent living arrangement and, in the case of a child described in subparagraph (A)(ii), whether the out-of-State placement continues to be appropriate and in the best interests of the child, and, in the case of a child who has attained age 16, the services needed to assist the child to make the transition from foster care to independent living; and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents;

(D) a child's health and education record (as described in paragraph (1)(A)) is reviewed and updated, and supplied to the foster parent or foster care provider with whom the child is placed, at the time of each placement of the child in foster care;

(E) in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant (as defined under State law) or has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless--

(i) at the option of the State, the child is being cared for by a relative;

(ii) a State agency has documented in the case plan (which shall be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the child; or

(iii) the State has not provided to the family of the child, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home, if reasonable efforts of the type described in section 671(a)(15)(B)(ii) are required to be made with respect to the child;

(F) a child shall be considered to have entered foster care on the earlier of--

(i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or

(ii) the date that is 60 days after the date on which the child is removed from the home; and

Adoption and Safe Families Act (ASFA)
(42 United States Code, section 675)

(G) the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.

PETITIONER OR ATTORNEY (Name, state bar number if attorney, and mailing address): TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
ORDERS UNDER WELFARE AND INSTITUTIONS CODE SECTION 366.26	CASE NUMBER:

Child's name: Date of birth: Age: Mother's name (if known): Father's name (if known):
--

1. a. Date of hearing: Dept.: Room:
- b. Judicial officer:
- c. Parties and attorneys present:

2. ☐ The court has read and considered the adoption assessment and the report and recommendations of the ☐ social worker ☐ probation officer ☐ and other evidence.

THE COURT FINDS AND ORDERS

3. ☐ Notice has been given as required by law.
4. ☐ By clear and convincing evidence, it is likely the child will be adopted. (If checked, go to item 5, unless item 6 or items 7 and 8 are applicable. If item 4 is not checked, go to item 9 or 10.) **[The fact that the child is not placed in a preadoptive home or with a person or family prepared to adopt the child is not a basis to conclude that the child is unlikely to be adopted.]**
5. ☐ The parental rights of
- ☐ mother (name, if known):
 - ☐ father (name, if declared by court or presumed):
 - ☐ alleged father(s) (name[s]):
 - ☐ unknown ☐ mother ☐ father
- are terminated, and the child shall be placed for adoption. (If checked, go to item 11.)
6. ☐ Termination of parental rights would be detrimental to the child because (If checked, check reason(s) and go to item 9 or 10):
- ☐ The parents or guardians have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.
 - ☐ The child is 12 years or older and objects to termination of parental rights.
 - ☐ The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.

(Continued on reverse)

CHILD'S NAME: 	CASE NUMBER:
-----------------------	----------------------

6. (Continued)

d. ☐ The child is living with a relative or foster parent who is unable or unwilling to adopt because of exceptional circumstances, but is willing and able to provide the child with a stable and permanent home, and removal would be detrimental to the child.

7. ☐ Termination of parental rights would not be detrimental to the child, but no adoptive parent has been identified or is available and the child is difficult to place because the child (if checked, check reason(s) and go to item 8.):

a. ☐ is a member of a sibling group that should stay together.

b. ☐ has a diagnosed medical, physical, or mental handicap.

c. ☐ is seven years or older.

8. ☐ Adoption is the permanent placement goal. Efforts are to be made to locate an appropriate adoptive family, and a report to the court is due by (date, not to exceed 180 days from the date of this order):

☐ Termination of parental rights is not ordered at this time. (If checked, go to items 11, 12, 13, and 14.)

9. ☐ (Name):

is appointed legal guardian of the child, and Letters of Guardianship shall issue. (If checked, check a. or b. as applicable.)

a. ☐ Visitation between the child and

☐ mother ☐ father ☐ parents ☐ other (name):

shall be:

b. ☐ Dependency is terminated. (If **NOT** checked, go to item 11.)

The Juvenile Court retains jurisdiction of the guardianship under section 366.4.

10. ☐ The child is placed in long-term foster care. (If checked, go to item 11.)

11. ☐ The child shall remain a dependent of the court. (If checked, go to item 14 and items 12 and 13 if applicable.)

12. ☐ All prior orders not in conflict with this order shall remain in full force and effect.

13. ☐ Other (specify):

14. ☐ The next hearing is (date): at (time):

☐ Continued hearing under section 366.26 for receipt of report on attempts to locate an adoptive family.

☐ Six-month review.

Date:

JUDICIAL OFFICER